

APR 14 2004

Exhibit 21

I, EDWARD JOSEPH MCNATT hereby certifies that on this day I am serving a true and correct copy of the foregoing Motion to Strike Judgement of Order for Support upon the Person(s) and in the manner indicated below, which service satisfies the Pennsylvania Rules of Civil Procedure.

SERVICE BY FIRST CLASS MAIL ADDRESSED AS FOLLOWS:

VENANGO COUNTY COURTHOUSE
CLERK OF COURTS
% JUDGE, OLIVER LOBAUGH
LIBERTY ST.
FRANKLIN, PA 16323

FILED
COMMON PLEAS COURT
VENANGO COUNTY, PA
2004 APR 14 PM 12:29
PEGGY L. MILLER
PROTHONOTARY AND
CLERK OF COURTS

Date: April 12, 2004

Edward Joseph McNatt

COMMONWEALTH OF PENNSYLVANIA

Case Nos: CR 183/1998
CR 182/1998

vs.

EDWARD JOSEPH MCNATT

Misc. No:

ORDER

AND NOW it is hereby ORDERED and DECREED that the defendants instant petition for relief be granted, to wit:

1. No further monies shall be taken from the defendants, inmate prison account (DL6772) EDWARD JOSEPH MCNATT to such time as this court has held a hearing and made a determination as to the Petitioners ability to pay said costs, fines, and restitution; after the submission of the financial status of the petitioner.
2. That all monies taken purportedly under the premise of a non-existent ORDER by this court, be immediately calculated and refunded in total to the Petitioner, EDWARD JOSEPH MCNATT (DL6772), and notice of compliance with this ORDER be given to this Court by the PENNSYLVANIA DEPT. OF CORRECTIONS, SCI HOUTZDALE, RECORDS/INMATE ACCOUNTING DEPARTMENT by First Class Mail (United States).
3. It is further ORDERED that the clerk of court shall provide the defendant/petitioner along with all parties hereto, with a certified copy of this ORDER by First Class United States Mail, upon its execution.
- 4.

/s/ _____ J.
BY THE COURT

Date: _____, 2004 A.D.

COMMONWEALTH OF PENNSYLVANIA

Case Nos: CR 183/1998
CR 182/1998

vs.

EDWARD JOSEPH MCNATT

Misc. No: _____

PETITION FOR RELIEF/REMEDY

TO THE HONORABLE, JUDGE ~~E. J. O. LOBAUGH~~ O. LOBAUGH :

AND NOW COMES, DEFENDANT, EDWARD JOSEPH MCNATT AND RESPECTFULLY MOVES THE HONORABLE COURT FOR THE MOTION OF APPLICATION FOR RELIEF, IN SUPPORT, THE DEFENDANT AVERS THE FOLLOWING:

1. On October 20, 1998 A.D., defendant appeared in your courtroom to be sentenced on case numbers, CR 183/1998; CR 182/1998, which defendant plead guilty to.

2. A sentence of incarceration at a State Correctional Facility was imposed along with substantial fines totaling \$1,012.30 +.

3. No determination was made at the time of sentencing as to defendants ability to pay said costs, fines, and/or restitution while incarcerated. See:

Under the principles of (Boofer v. Lotz 797 A2d. 1074 it was decided that the "trial court was required to make a determination of the ability to pay court costs, prior to ordering a twenty (20) percent deduction from the inmates account to satisfy those costs". It also states that "Moreover the DEPARTMENT OF CORRECTIONS does not have any independent authority to determine the amount of the installment payment").

4. Defendant has requested proof from Inmate Accounts at SCI HOUTZDALE that a court order exists requiring them to remove money from defendants account. Defendant believes that no such court order exists as no proof has been produced.
5. Currently, defendant receives only a nominal amount of money from the DEPT. OF CORRECTIONS. This amount does not cover the basic hygiene products that the defendant must purchase each month from the commissary at SCI HOUTZDALE and provides even less after the twenty (20) percent deduction is made by Inmate Accounts at SCI HOUTZDALE.
6. Defendant sometimes receives small monetary gifts from non-incarcerated friends and/or family outside of the Correctional system. However, this still does not amount to much money.
7. Defendant is left unable to purchase the products necessary to provide and sustain healthy, clean living.
8. Defendant has every intention to pay the fines, costs, and restitution after release from incarceration at which time defendant will be in a better financial position.

FILED
COMMON PLEAS COURT
VENANGO COUNTY, PA
2004 APR 14 P
PEGGY L. MILLER
PROTHONOTARY AND
CLERK OF COURT

WHEREFORE, for any of the foregoing reasons, it is requested that this court order that the PENNSYLVANIA DEPARTMENT OF CORRECTIONS and Inmate Accounts at SCI HOUTZDALE to stop deducting money from defendants account.

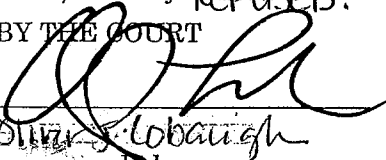
Date: April 12, 2004 A.D.

Respectfully Submitted

Edward Joseph McRatt

AND NOW April 15, 2004
the within Motion having been presented
to the Court, is hereby ~~granted~~ **REFUSED**.

BY THE COURT


Oliver S. Lobauigh
Judge

CC: Δ mailed
4-15-04

NAME Edward McNiff
NUMBER DL 6712
P.O. BOX 1000
HOUTZDALE PA 16698-1000

Inmate Mail
PA Department of Corrections

PA Dept of Corrections
Inmate Mail



UNITED STATES POSTAGE
PAID BY POSTAGE METER
02 1A
0004332067
APR 12 2004
MAILED FROM ZIP CODE 16651
\$00.370

VENANGO COUNTY COURTHOUSE
CLERK OF COURTS
% HONORABLE JUDGE OLIVER LOBAUGH
LIBERTY ST.
FRANKLIN, PA 16383

16383 1232

